



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

DOCKET OST-99-6398

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Volga Dnepr Ltd.**

Date Filed: October 22, 1999

Relief requested: Exemption pursuant to 49 U.S.C. section 40109(g) to permit it to operate one one-way cargo charter flight between Denver, CO, and Cape Canaveral, FL, on or about October 28, 1999, using its AN-124 aircraft, to transport one oversized upper stage rocket booster on behalf of Lockheed Martin Astronautics. The applicant stated that the Lockheed Martin required urgent delivery to meet the scheduled date for mating with other phases of the vehicle/satellite launch, that the cargo is too large for transportation on U.S. carrier aircraft, and that surface transportation was not feasible because of the time involved and the adverse effect a long road trip would have on the cargo.

Applicant representative: Lester Bridgeman (334) 432-1414

Responsive pleadings: Volga Dnepr served its application on those U.S. carriers operating large all-cargo aircraft. Each carrier indicated that it did not have aircraft available to conduct the proposed operation, and that it had no comment or did not oppose grant of the requested authority to Volga Dnepr.

DISPOSITION

Action: Approved

Action date: October 27, 1999

Effective dates of authority granted: October 28-31, 1999

Basis for approval: We found that the application met all the relevant criteria of 49 U.S.C. section 40109(g) for the grant of an exemption of this type, and that the grant was required in the public interest. Moreover, based on the representations of the U.S. carriers, we concluded that no U.S. carrier had aircraft available which could be used to conduct the operation at issue here. We also found that grant of Volga Dnepr's request would prevent undue hardship to the cargo and Lockheed Martin.

Except to the extent exempted/waived, this authority is subject to standard exemption conditions and to the condition that Volga Dnepr comply with an FAA-approved flight routing for the authorized flight.

Action taken by: **A. BRADLEY MIMS**
Deputy Assistant Secretary for Aviation
and International Affairs